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16		En E TECHNOLOGIES COR ORTHOR	
17	UNITED STATES DISTRICT COURT		
18	NORTHERN DISTRICT OF CALIFORNIA		
19	CATALYST ASSETS LLC,		
20	Plaintiff and	CASE NO.: 11-CV-3537 SBA	
21	Counterclaim Defendant,	JOINT STIPULATION TO STAY	
22	v.	CASE PENDING REEXAMINATION	
23	LIFE TECHNOLOGIES CORPORATION,		
24	Defendant and Counterclaimant.	Time: 1:00 PM	
25		Place: Courtroom 1, 4 th Floor	
26			
27			
28			

JOINT STIPULATION TO STAY CASE PENDING REEXAMINATION CASE NO.: 11-CV-3537 SBA

1	1. WHEREAS, on July 19, 2011, Catalyst Assets LLC ("Catalyst") filed the		
2	complaint (D.I. 1) in this action against Life Technologies Corporation ("Life Tech").		
3	2. WHEREAS, on September 29, 2011, Life Tech filed a Request for <i>Ex Parte</i>		
4	Reexamination of U.S. Patent No. 5,858,731 ("'731 patent') with the United States Patent and		
5	Trademark Office ("PTO");		
6	3. WHEREAS, on October 12, 2011, Life Tech filed a Motion to Stay Pending		
7	Reexamination (D.I. 26), on October 26, 2011, Catalyst filed an Opposition to Life Tech's Motion		
8	to Stay (D.I. 36), on November 2, 2011, Life Tech filed its Reply in Support of its Motion to Stay		
9	(D.I. 37), and on February 28, 2012 the Court will hear argument on Life Tech's Motion to Stay		
10	Pending Reexamination (D.I. 28);		
11	4. WHEREAS, on December 2, 2011, the PTO granted Life Tech's Request for		
12	Reexamination (see D.I. 38); and		
13	5. WHEREAS the parties hereby stipulate that:		
14	a. Catalyst will withdraw its opposition to Life Tech's motion to stay this case		
15	pending the requested reexamination;		
16	b. Both parties agree that Life Tech's motion to stay this case pending the		
17	requested reexamination should be disposed of as set forth in Proposed Order Granting		
18	Defendant Life Technologies' Motion to Stay Pending Reexamination of Patent-In-Suit		
19	(D.I. 26-3) attached on page 4 of this stipulation; and		
20	c. Both parties agree that except as expressly provided herein, nothing herein		
21	impairs or diminishes any claim, right, remedy, or defense of either party.		
22			
23	NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between		
24	plaintiff and counterclaim defendant, Catalyst Assets LLC, and defendant and counterclaimant,		
25	Life Technologies Corporation, by and through their respective undersigned attorneys, subject to		
26			
27	{W2916486.2} 2		
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	JOINT STIPULATION TO STAY CASE PENDING REEXAMINATION		

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1	the approval of the Court, that all proceedings in this case be stayed pending final exhaustion of	
2	the requested reexamination of the of '731 patent, including any appeals.	
3		
4	Dated: February 22, 2012	/s/ Robert H. Stier, Jr. Robert H. Stier, Jr.
5		,
6		Attorney for Plaintiff and Counterclaim Defendant CATALYST ASSETS LLC
7	Dated: February 22, 2012	/s/ Katherine Nolan-Stevaux
8		Katherine Nolan-Stevaux Attorney for Defendant and Counterclaimant
9		LIFE TECHNOLOGIES CORPORATION
10		
11	CERTIFICATION PURSUANT TO GENERAL ORDER 45 Pursuant to General Order 45, I, [name], attest that the above signatories for the Defendant have concurred and consented to the filing of this document.	
12		
13		
14		
15	Dated: February 22, 2012	/s/ Katherine Nolan-Stevaux
16		Katherine Nolan-Stevaux
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	JOINT STIPULATION TO STAY CASE PENDING REEXAMINATION CASE NO.: 11-CV-3537 SBA	

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ORDERIT IS HEREBY ORDERED THAT:

- The Joint Stipulation to Stay Case Pending Reexamination is GRANTED. This action is STAYED pending final exhaustion of the requested reexamination proceeding, including any appeals.¹
 - 2. The Clerk shall ADMINISTRATIVELY CLOSE this matter.
- 3. The parties are instructed to submit status reports to the Court every six months, apprising the Court of the status of the requested reexamination proceeding. The parties are advised that the failure to submit such status reports could result in dismissal of this matter.
- 4. Upon final exhaustion of the requested reexamination proceeding, including any appeal, the parties shall jointly submit to the Court, within one week, a letter indicating that all appeals have been exhausted, and requesting that this matter be reopened and a case management conference be scheduled.
 - 5. This Order terminates Docket 26.

IT IS SO ORDERED.

Dated: _2/21/12

HON. SAUNDRA B. ARMSTRONG UNITED STATES DISTRICT JUDGE

While the Court orders this action stayed pending final exhaustion of the requested reexamination proceeding, this Order does not foreclose any party from moving to reopen this action prior to completion of the reexamination proceeding upon a showing of compelling circumstances.

27 | {W2916486.2}